

Remarks/Arguments:

Summary of Changes Made

By this Amendment, claims 1, 4, 5 and 8 have been amended. Specifically, claims 1 and 8 have been amended to specify that the liquid dispenser mounted to the top of the bottle is a liquid dispensing pump assembly, as described on page 5 at paragraph [0009] of the specification and as shown in Figs. 1-7. Claim 1 has also been amended to clarify that the top panel of the saddle engages the top of the bottle when the liquid dispensing pump assembly extends through the opening formed in the saddle. Claim 4 has been amended to correct a punctuation error (a comma has been substituted for a semicolon). Claim 5 has been amended to correct the informality identified by the Examiner in the prior Office Action, which is discussed in detail below. And, claim 8 has been amended to correct an error (the word "holder" was inadvertently used when the word "dispenser" was intended). No new matter has been added. Claims 1-8 are pending in the application.

Claim Objections

In the prior Office Action, the Examiner objected to claim 5 because the limitation "a plurality of cups" was vague and unclear in view of the prior use of the identical phrase in claim 1 ("a plurality of cups"). By this Amendment, applicants have amended claim 5 to substitute the word "the" for the word "a" preceding the phrase "plurality of cups". Thus, "the plurality of cups" appearing in claim 5 refers back to the same

plurality of cups discussed in claim 1. In view of the correction to claim 5, reconsideration of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. §102

Also in the prior Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. §102(b) as being anticipated by Rogers, U.S. Pat. No. 5,277,332. The Examiner contends that Rogers discloses:

"a cup dispenser for use with a bottle (31) having a top with a liquid dispenser mounted thereon, and a base connected to the top by one or more sides as seen in Figure 1, which comprises a saddle (20) having a top panel and one or more side panels connected to and extending downwardly away from the top panel as seen in Figure 1, the top panel and side panels cooperating to form a housing that covers the top of the bottle and at least a portion of the side of the bottle as seen in Figure 4, the top panel having an opening sized to accommodate the liquid dispenser of the bottle as seen in Figure 2a, a holder (16) extending from a side panel, the holder having a central cavity (26) defined by a longitudinal axis wherein the holder has a dispensing end, and wherein the holder is configured to receive a plurality of cups (15), (col. 3, ll. 22-33), a removable cover (12), bracket (62)."

Applicants note that the structure identified by reference number (31) in Rogers is not a "bottle", as suggested by the Examiner, but rather it is a "toothpaste tube" (see col. 4, lines 11-13). Moreover, the toothpaste tube (31) disclosed in Rogers does not have a liquid dispenser mounted thereon, but rather it includes a cap (50) that can be used to keep dust or dirt from contaminating the toothpaste (see col. 4, lines 29-31).

In order to further distinguish applicants' invention as claimed from the dispensing container according to Rogers, applicants have amended claim 1 to specify that the saddle of the cup dispenser of the invention comprises a top panel having an

opening sized to accommodate *the liquid dispensing pump assembly of the bottle*, and further that the top panel of the saddle engages the top of the bottle *when the liquid dispensing pump assembly extends through the opening*. This structure is clearly not disclosed, taught or suggested by Rogers. The dispensing container according to Rogers is not for dispensing liquids, and does not interact in any way with a bottle having a liquid dispensing pump mounted to a top portion thereof. The dispensing container according to Rogers is for dispensing toothpaste from a tube.

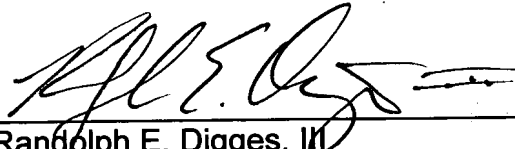
Claims 2-8 depend from claim 1 and are thus not anticipated by or obvious in view of Rogers for the same reasons that claim 1 is not anticipated by or obvious in view of Rogers.

Conclusion

In view of the foregoing, the issuance of a timely Notice of Allowance is respectfully requested.

Respectfully submitted,

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